

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

CHAPTER 11

Diebold Holding Company, LLC, et al

CASE NO. 23-90602

DEBTORS

JORDAN LUNDA'S STATEMENT OF ISSUES AND DESIGNATION
OF CONTENTS OF RECORD ON APPEAL

Jordan Lunda (“**Lunda**”) hereby files this statement of issues and designation of contents of record with respect to its July 27, 2023 Notice of Appeal [Doc. No. 280] from the *Court’s Approving Disclosure Statement and Confirming the Debtors’ Second Amended Joint Prepackaged Chapter 11 Plan of Reorganization* (Doc. No. 254) (the “**Confirmation Order**”), in consideration of the Comprehensive Disclosure Statement for (I) the U.S. Joint Prepackaged Chapter 11 Plan of Reorganization of Diebold Holdings Company, LLC and its Debtor Affiliates, and (II) the Netherlands WHOA Plan of Diebold Nixdorf Dutch Holding B.V. and the Dutch Scheme Parties (Doc. No. 18); and, Debtor’s Joint Prepackaged Chapter 11 Plan of Reorganization, dated May 30, 2023 (Doc. No. 17), as thereafter amended, and all prior interlocutory orders, including, without limitation, the *Order (I) Waiting the Requirements to File a List of Equity Security Holders, (II) Approving the Redaction of Certain Personally Identifiable Information for Individual Creditors and Interest Holders and (III) Granting Related Relief* (ECF Doc. No. 86) (the “**Mail Service Exemption Order**”).

STATEMENT OF ISSUES

Lunda sets forth the following issues on appeal pursuant to Federal Rules of Bankruptcy Procedure 8009:

1. Section 524 of the Bankruptcy Code, as interpreted by the Fifth Circuit, limits discharge to the debtor. Did the releases of third parties contained in the Debtor's Chapter 11 Plan violate the Fifth Circuit's interpretation of Section 524?
2. Did the opt-in and opt-out procedures contained in the Debtor's Chapter 11 Plan bring the third-party releases into compliance with applicable Fifth Circuit precedent, when the parties who the Debtor's Plan purported to allow to "opt" in or out of the release provisions, such as Jordan Lunda, were not provided actual or Rule 2002 (U.S. Mail) notice of the opt-in and opt-out provisions?
3. Did the Debtor's Chapter 11 Plan violate the provisions of Section 1129(b)(2)(B), also known as the absolute priority rule, when the class of claims in which Mr. Lunda was classified, Class 7, rejected the Plan, but the Plan provided value to classes junior to the rejecting class?

DESIGNATION OF RECORD ON APPEAL

Lunda designates the following documents to be included in the record on appeal pursuant to Federal Rule of Bankruptcy Procedure 8009:

| <u>ECF Docket No.</u> | <u>Filing Date</u> | <u>Description</u> |
|--------------------------------------|---------------------------|---|
| 1 | 06/01/2023 | Chapter 11 Voluntary Petition Non-Individual Fee Amount \$1738 Filed by Diebold Holding Company, Inc.. (Argeroplos, Victoria) (Entered: 06/01/2023) |
| 2 | 06/01/2023 | Emergency Motion for an Order Directing the Joint Administration of their Chapter 11 Cases Filed by Debtor Diebold Holding Company, Inc. |

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| | | (Attachments: # <u>1</u> Proposed Order) (Peguero, Kristhy) (Entered: 06/01/2023) |
| 3 | 06/01/2023 | Designation of Complex Chapter 11 Bankruptcy Case (Filed By Diebold Holding Company, Inc.). (Attachments: # <u>1</u> Proposed Order) (Argeroplos, Victoria) (Entered: 06/01/2023) |
| 7 | 06/01/2023 | Emergency Motion for Entry of an Order (I) Waiving the Requirement to File a List of Equity Security Holders, (II) Approving the Redaction of Certain Personally Identifiable Information for Individual Creditors and Interest Holders and (III) Granting Related Relief Filed by Debtor Diebold Holding Company, Inc. Hearing scheduled for 6/2/2023 at 10:00 AM at telephone and video conference. (Attachments: # <u>1</u> Proposed Order) (Peguero, Kristhy) (Entered: 06/01/2023) |
| 14 | 06/01/2023 | Emergency Motion Debtors' Emergency Motion for Entry of an Order (I) Authorizing the Debtors to Pay All Prepetition Trade and Other Impaired Claims, Including Taxes and Fees and Customer Program Amounts, in the Ordinary Course of Business on a Postpetition Basis, (II) Confirming Administrative Expense Priority of Undisputed and Outstanding Prepetition Orders, (III) Authorizing the Debtors to Maintain Certain Customer Programs and (IV) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations Filed by Debtor Diebold Holding Company, Inc. Hearing scheduled for 6/2/2023 at 10:00 AM at telephone and video conference. (Attachments: # <u>1</u> Proposed Order) (Argeroplos, Victoria) (Entered: 06/01/2023) |
| 16 | 06/01/2023 | Emergency Motion for an Order (I) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing and Setting Related Deadlines, (II) Approving (A) the Solicitation Procedures and (B) the Confirmation Hearing Notice, (III) Waiving the Requirements that (A) the U.S. Trustee Convene a Meeting of Creditors and the Debtors File Schedules and SOFAs and (B) the Debtors Solicit Votes of Existing Equity Interests, (IV) Establishing Procedures for the Assumption and Rejection of Executory Contracts and Unexpired Leases and (V) Granting Related Relief Filed by Debtor Diebold Holding Company, Inc. Hearing scheduled for 6/2/2023 at 10:00 AM at telephone and video conference. (Attachments: # <u>1</u> Proposed Order) (Peguero, Kristhy) (Entered: 06/01/2023) |
| 17 | 06/01/2023 | Chapter 11 Plan of Reorganization Filed by Diebold Holding Company, Inc.. (Peguero, Kristhy) (Entered: 06/01/2023) |
| 18 | 06/01/2023 | Disclosure Statement Filed by Diebold Holding Company, Inc.. (Peguero, Kristhy) (Entered: 06/01/2023) |
| 28 | 06/01/2023 | Declaration re: Declaration of Carlin Adrianopoli, Financial Advisor for Debtor Diebold Nixdorf, Incorporated, in Support of First Day Motions of Debtors and Debtors in Possession (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 06/01/2023) |
| 34 | 06/01/2023 | Order Granting Complex Chapter 11 Bankruptcy Case Treatment Signed on 6/1/2023 (VrianaPortillo) (Entered: 06/01/2023) |
| 35 | 06/01/2023 | Declaration re: Declaration of Derron S. Slonecker in Support of Debtors' |

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| | | Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Post-Petition Financing Secured by Senior Liens, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Adequate Protection, (IV) Scheduling a Final Hearing and (V) Granting Related Relief (Filed By Diebold Holding Company, Inc.).(Related document(s): 11 Emergency Motion (with hearing date)) (Argeroplos, Victoria) (Entered: 06/01/2023) |
| 39 | 06/01/2023 | Order for Joint Administration Signed on 6/1/2023 (Related Doc # 2). (AlbertAlonzo) (Entered: 06/01/2023) |
| 66 | 06/02/2023 | Affidavit Re: of Herb Baer Regarding Debtors Emergency Motion for an Order Directing the Joint Administration of their Chapter 11 Cases, Notice of Designation as Complex Chapter 11 Bankruptcy Case, Debtors Emergency Motion for Entry of an Order (I) Approving the Continued Use of the Debtors' Cash Management System, (II) Authorizing the Debtors to Continue Using Existing Bank Accounts and Business Forms, (III) Authorizing the Debtors to Continue Performing Intercompany Transactions and (IV) Granting Related Relief, Debtors' Emergency Motion for Entry of an Order (I) Establishing Adequate Assurance Procedures with Respect to Their Utility Providers and (II) Granting Related Relief, Emergency Ex Parte Application for Entry of an Order Authorizing the Employment and Retention of Kroll Restructuring Administration LLC as Claims, Noticing and Solicitation Agent, Debtors Emergency Motion for Entry of an Order (I) Waiving the Requirement to File a List of Equity Security Holders, (II) Approving the Redaction of Certain Personally Identifiable Information for Individual Creditors and Interest Holders and (III) Granting Related Relief, Debtors Emergency Motion for Entry of an Order (I) Confirming the Protections of Section 362, 365 and 525 of the Bankruptcy Code and (II) Granting Related Relief, Debtors' Emergency Motion for Entry of an Order (I) Authorizing them to Pay: (A) Prepetition Employee Wages, Salaries and Related Items; (B) Prepetition Employee Business Expenses; (C) Prepetition Contributions to, and Benefits Under, Employee Benefit Plans; and (D) Prepetition Employee Payroll Deductions; and (II) Granting Related Relief, Debtors Emergency Motion for Entry of an Order (I) Establishing Notice and Objection Procedures for Transfers of Equity Securities, (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors' Estates and (III) Granting Related Relief, Debtors Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Post-Petition Financing Secured by Senior Liens, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Adequate Protection, (IV) Scheduling a Final Hearing and (V) Granting Related Relief, Debtors' Emergency Motion for Entry of an Order (I) Authorizing the Debtors to (A) Continue Their Insurance, Workers' Compensation and Surety Bond Programs Entered into Prepetition and Satisfy Related Prepetition Obligations, (B) Obtain, Renew, Amend, Supplement, Extend, Purchase and/or Replace Insurance Policies, Workers' Compensation Policies and/or Surety Bonds and (C) Continue to Pay |

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| | | <p>Brokerage and Third Party Administrator Fees and Satisfy Prepetition Obligations; and (II) Granting Related Relief, Declaration of Carlin Adrianopoli in Support of Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Post-Petition Financing Secured by Senior Liens, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Adequate Protection, (IV) Scheduling a Final Hearing and (V) Granting Related Relief, Debtors' Emergency Motion for Entry of an Order (I) Authorizing the Debtors to Pay All Prepetition Trade and Other Unimpaired Claims, Including Taxes and Fees and Customer Program Amounts, in the Ordinary Course of Business on a Postpetition Basis, (II) Confirming Administrative Expense Priority of Undisputed and Outstanding Prepetition Orders, (III) Authorizing the Debtors to Maintain Certain Customer Programs and (IV) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations, Debtors Emergency Motion for an Order Authorizing Carlin Adrianopoli, Financial Advisor for Debtor Diebold Nixdorf, Incorporated, to Act as Foreign Representative on Behalf of the Debtors' Estates, Debtors Emergency Motion for an Order (I) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing and Setting Related Deadlines, (II) Approving (A) the Solicitation Procedures and (B) the Confirmation Hearing Notice, (III) Waiving the Requirements that (A) the U.S. Trustee Convene a Meeting of Creditors and the Debtors File Schedules and SOFAs and (B) the Debtors Solicit Votes of Existing Equity Interests, (IV) Establishing Procedures for the Assumption and Rejection of Executory Contracts and Unexpired Leases and (V) Granting Related Relief, Debtors Joint Prepackaged Chapter 11 Plan of Reorganization, Comprehensive Disclosure Statement for (I) the U.S. Joint Prepackaged Chapter 11 Plan of Reorganization of Diebold Holding Company, LLC and its Debtor Affiliates and (II) the Netherlands Whoa Plan of Diebold Nixdorf Dutch Holding B.V. and the Dutch Scheme Parties, Declaration of Carlin Adrianopoli, Financial Advisor for Debtor Diebold Nixdorf, Incorporated, in Support of First Day Motions of Debtors and Debtors in Possession, Order Granting Complex Chapter 11 Bankruptcy Case Treatment, Declaration of Derron S. Slonecker in Support of Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Authorizing Post-Petition Financing Secured by Senior Liens, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Adequate Protection, (IV) Scheduling a Final Hearing and (V) Granting Related Relief, Proposed Order re: Corrected Order (I) Establishing Notice and Objection Procedures for Transfers of Equity Securities, (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors' Estates and (III) Granting Related Relief, Order Granting Motion of the Debtors for an Order Directing the Joint Administration of Their Chapter 11 Cases, Order Authorizing the Employment and Retention of Kroll Restructuring Administration LLC as Claims, Noticing and Solicitation Agent, Order (I) Confirming the</p> |
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| | | <p>Protections of Sections 362, 365, and 525 of the Bankruptcy Code and (II) Granting Related Relief, Notice of Electronic First-Day Hearing Scheduled for June 2, 2023 at 10:00 a.m. (CT), Proposed Order re: Order (I) Waiving the Requirement to File a List of Equity Security Holders, (II) Approving the Redaction of Certain Personally Identifiable Information for Individual Creditors and Interest Holders and (III) Granting Related Relief, Proposed Order re: Order Granting Debtors Emergency Motion for Entry of an Order (I) Authorizing the Debtors to (A) Continue Their Insurance, Workers' Compensation and Surety Bond Programs Entered into Prepetition and Satisfy Related Prepetition Obligations, (B) Obtain, Renew, Amend, Supplement, Extend, Purchase and/or Replace Insurance Policies, Workers' Compensation Policies and/or Surety Bonds and (C) Continue to Pay Brokerage and Third Party Administrator Fees and Satisfy Prepetition Obligations; and (II) Granting Related Relief, Proposed Order re: Order Granting Debtors Emergency Motion for Entry of an Order (I) Authorizing the Debtors to Pay All Prepetition Trade and Other Unimpaired Claims, Including Taxes and Fees and Customer Program Amounts, in the Ordinary Course of Business on a Postpetition Basis, (II) Confirming Administrative Expense Priority of Undisputed and Outstanding Prepetition Orders, (III) Authorizing the Debtors to Maintain Certain Customer Programs and (IV) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations, and Proposed Order re: Order (I) Approving the Continued Use of the Debtors' Cash Management System, (II) Authorizing the Debtors to Continue Using Existing Bank Accounts and Business Forms (III) Authorizing the Debtors to Continue Performing Intercompany Transactions and (IV) Granting Related Relief. (related document(s): 2 Emergency Motion, 3 Designation of Complex Chapter 11 Bankruptcy Case, 4 Emergency Motion (with hearing date), 5 Emergency Motion (with hearing date), 6 Emergency Motion (with hearing date), 7 Emergency Motion (with hearing date), 8 Emergency Motion (with hearing date), 9 Emergency Motion (with hearing date), 10 Emergency Motion (with hearing date), 11 Emergency Motion (with hearing date), 12 Emergency Motion (with hearing date), 13 Declaration, 14 Emergency Motion (with hearing date), 15 Emergency Motion (with hearing date), 16 Emergency Motion (with hearing date), 17 Chapter 11 Plan, 18 Disclosure Statement, 28 Declaration, 34 Generic Order, 35 Declaration, 36 Proposed Order, 39 Order for Joint Administration, 40 Order on Emergency Motion, 42 Order on Emergency Motion, 43 Notice, 44 Proposed Order, 45 Proposed Order, 46 Proposed Order, 60 Proposed Order). Filed by Kroll Restructuring Administration LLC (Steele, Benjamin) (Entered: 06/02/2023)</p> |
| 67 | 06/02/2023 | <p>Notice and Order regarding exchanging of exhibits and witness lists in all contested matters and adversary proceedings. (Entered: 06/02/2023)</p> |

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| 73 | 06/02/2023 | Affidavit Re: Affidavit of Alex Orchowski Regarding Solicitation Materials. (related document(s): 17 Chapter 11 Plan, 18 Disclosure Statement). Filed by Kroll Restructuring Administration LLC (Steele, Benjamin) (Entered: 06/02/2023) |
| 86 | 06/02/2023 | Order (I) Waiving the Requirement to File a List of Equity Security Holders, (II) Approving the Redaction of Certain Personally Identifiable Information for Individual Creditors and Interest Holders and (II) Granting Related Relief (Related Doc # 7) Signed on 6/2/2023. (VrianaPortillo) (Entered: 06/02/2023) |
| 87 | 06/02/2023 | Order (I) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing and Setting Related Deadlines, (II) Approving (A) the Solicitation Procedures and (B) the Confirmation Hearing Notice, (III) Waiving the Requirements that (A) The U.S. Trustee Convene a Meeting of Creditors and the Debtors File Schedules and SOFAS and (B) the Debtors Solicit Votes of Existing Equity Interests, (IV) Establishing Procedures for the Assumption and Rejection of Executory Contracts and Unexpired Leases and (V) Granting Related Relief Signed on 6/2/2023 (Related document(s): 16 Emergency Motion (with hearing date)) Combined Hearing to consider adequacy of the disclosure statement and Confirmation is scheduled for 7/12/2023 at 02:30 PM by telephone and video conference. (VrianaPortillo) (Entered: 06/02/2023) |
| 93 | 06/02/2023 | Order Granting Debtors' Emergency Motion for Entry of an Order (I) Authorizing the Debtors to Pay all Prepetition Trade and other Unimpaired Claims, Including Taxes and Fees and Customer Program Amounts, in the Ordinary Course of Business on a Postpetition Basis, (II) Confirming Administrative Expense Priority of Undisputed and Outstanding Prepetition Orders, (III) Authorizing the Debtors to Maintain Certain Customer Programs and (IV) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations (Related Doc # 14) Signed on 6/2/2023. (VrianaPortillo) (Entered: 06/02/2023) |
| 95 | 06/02/2023 | Corrected Order (I) Establishing Notice and Objection Procedures for Transfers of Equity Securities, (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors' Estates and (III) Granting Related Relief (Related Doc # 10) Signed on 6/2/2023. (VrianaPortillo) (Entered: 06/02/2023) |
| 96 | 06/02/2023 | Courtroom Minutes. Time Hearing Held: 10:00 AM. Appearances: SEE ATTACHED. (Related document(s): 61 Agenda) Declarations submitted at docket nos. 41-1, 41-2, and 41-3 admitted. For the reasons stated on the record, the Court approved the Redaction Motion 7 , the Motion to Appoint Foreign Representative 15 , the Employee Motion 9 , the Cash Management Motion 4 , the Utilities Motion 5 , the All-Trade Motion 14 , the Insurance Motion 12 and the NOL Motion 10 . Orders to be entered. For the reasons stated on the record, the Court approved the Scheduling Motion 16 . A combined hearing to consider the adequacy of |

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| | | the comprehensive Disclosure Statement and Confirmation is scheduled for 07/12/2023 at 2:30 PM. For the reasons stated on the record, the Court approved the DIP Motion 11 on an interim basis. A continued hearing for the Motion is scheduled for 07/12/2023 at 2:30 PM. (VrianaPortillo) (Entered: 06/02/2023) |
| 136 | 06/05/2023 | Debtors Master Service List (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 06/05/2023) |
| 149 | 06/08/2023 | Transcript RE: First-Day Hearing held on 6/2/23 before Judge David R. Jones. Transcript is available for viewing in the Clerk's Office. Filed by Transcript access will be restricted through 09/6/2023. (AccessTranscripts) (Entered: 06/08/2023) |
| 163 | 06/13/2023 | Notice of (I) NON-VOTING STATUS TO HOLDERS OF CLAIMS AND INTERESTS CONCLUSIVELY PRESUMED TO ACCEPT THE U.S. PLAN, AND (II) OPPORTUNITY TO OPT OUT OF THE THIRD PARTY RELEASES. Filed by Diebold Holding Company, Inc. (FrancesCarbia) (Entered: 06/13/2023) |
| 178 | 06/20/2023 | Complex Case Creditor Matrix (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 06/20/2023) |
| 179 | 06/21/2023 | Debtors Master Service List (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 06/21/2023) |
| 180 | 06/21/2023 | Notice of Filing of Plan Supplement To The Joint Prepackaged Chapter 11 Plan of Reorganization For Diebold Holding Company, LLC and its Affiliated Debtors. Filed by Diebold Holding Company, Inc. (Peguero, Kristhy) (Entered: 06/21/2023) |
| 190 | 06/22/2023 | Affidavit Re: of Alex Orchowski Regarding Solicitation Materials. (related document(s): 17 Chapter 11 Plan). Filed by Kroll Restructuring Administration LLC (Steele, Benjamin) (Entered: 06/22/2023) |
| 191 | 06/24/2023 | Affidavit Re: Mailings for the Period from May 31, 2023 through June 20, 2023, including Affidavit of Service of Solicitation Materials, Certificate of Publication Regarding Order (I) Scheduling a Combined Disclosure Statement Approval and Plan Confirmation Hearing and Setting Related Deadlines, (II) Approving (A) the Solicitation Procedures and (B) the Confirmation Hearing Notice, (III) Waiving the Requirements that (A) The U.S. Trustee Convene a Meeting of Creditors and the Debtors File Schedules and SOFAS and (B) the Debtors Solicit Votes of Existing Equity Interests, (IV) Establishing Procedures for the Assumption and Rejection of Executory Contracts and Unexpired Leases and (V) Granting Related Relief, the Notice of Commencement of Prepackaged Chapter 11 Bankruptcy Cases and Hearing on the Comprehensive Disclosure Statement and Confirmation of the Joint Prepackaged Chapter 11 Plan, and Certificate of Publication Regarding Corrected Order (I) Establishing Notice and Objection Procedures for Transfers of Equity Securities, (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors' Estates and (III) Granting Related Relief, the Notice of Restriction of Trading in Equity of Diebold Nixdorf, Inc. and Record Date for Notice |

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| | | and Sell-Down Procedures for Trading in Claims Against the Debtors Estates. (related document(s): 2 Emergency Motion, 3 Designation of Complex Chapter 11 Bankruptcy Case, 4 Emergency Motion (with hearing date), 5 Emergency Motion (with hearing date), 6 Emergency Motion (with hearing date), 7 Emergency Motion (with hearing date), 8 Emergency Motion (with hearing date), 9 Emergency Motion (with hearing date), 10 Emergency Motion (with hearing date), 11 Emergency Motion (with hearing date), 12 Emergency Motion (with hearing date), 13 Declaration, 14 Emergency Motion (with hearing date), 15 Emergency Motion (with hearing date), 16 Emergency Motion (with hearing date), 17 Chapter 11 Plan, 18 Disclosure Statement, 28 Declaration, 34 Generic Order, 35 Declaration, 39 Order for Joint Administration, 40 Order on Emergency Motion, 41 Witness List, Exhibit List, 42 Order on Emergency Motion, 61 Agenda, 67 Order Regarding the Exchange of Exhibits and Witness lists in all contested matters and adversary proceedings, 86 Order on Emergency Motion, 87 Order Setting Hearing, 88 Order on Emergency Motion, 89 Order on Emergency Motion, 90 Order Setting Hearing, 91 Order on Emergency Motion, 92 Order on Emergency Motion, 93 Order on Emergency Motion, 94 Order on Emergency Motion, 95 Order on Emergency Motion, 143 Additional Attachments, 167 Notice). Filed by Kroll Restructuring Administration LLC (Attachments: # 1 Affidavit of May 31, June 2 and 7 # 2 Affidavit of June 2 # 3 Affidavit of June 2 # 4 Certificate of Publication of June 2 # 5 Certificate of Publication of June 2 # 6 Affidavit of June 5 and 8 # 7 Affidavit of June 6, 7, 8 and 9 # 8 Affidavit of June 8 # 9 Affidavit of June 14 and 15)(Steele, Benjamin) (Entered: 06/24/2023) |
| 197 | 06/27/2023 | Notice of Filing of First Amended Plan Supplement to the Joint Prepackaged Chapter 11 Plan of Reorganization for Diebold Holding Company, LLC and Its Affiliated Debtors. Filed by Diebold Holding Company, Inc. (Peguero, Kristhy) (Entered: 06/27/2023) |
| 207 | 07/03/2023 | Affidavit Re: Mailings for the Period from June 21, 2023 through June 27, 2023. (related document(s): 180 Notice, 181 Generic Motion, 182 Application to Employ, 183 Application to Employ, 184 Application to Employ, 197 Notice). Filed by Kroll Restructuring Administration LLC (Attachments: # 1 Affidavit of June 21 # 2 Affidavit of June 27)(Steele, Benjamin) (Entered: 07/03/2023) |
| 219 | 07/05/2023 | Notice of Filing of Second Amended Plan Supplement to the Joint Prepackaged Chapter 11 Plan of Reorganization for Diebold Holding Company, LLC and its Affiliated Debtors. (Related document(s): 180 Notice, 197 Notice) Filed by Diebold Holding Company, Inc. (Peguero, Kristhy) (Entered: 07/05/2023) |
| 222 | 07/07/2023 | Objection to the Debtors' Prepackaged Chapter 11 Plan of Reorganization. Filed by BRG 50 Executive, LP (Powell, Lisa) (Entered: 07/07/2023) |
| 223 | 07/07/2023 | First Amended Chapter 11 Plan Filed by Diebold Holding Company, Inc.. |

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| | | (Attachments: # 1 Redline)(Cavanaugh, Matthew) (Entered: 07/07/2023) |
| 224 | 07/07/2023 | Notice of Filing of Third Amended Plan Supplement to the Joint Prepackaged Chapter 11 of Reorganization for Diebold Holding Company, LLC and Its Affiliated Debtors. Filed by Diebold Holding Company, Inc. (Cavanaugh, Matthew) (Entered: 07/07/2023) |
| 227 | 07/10/2023 | Declaration re: Declaration of Carlin Adrianopoli in Support of (I) Confirmation of Debtors' First Amended Joint Prepacked Chapter 11 Plan of Reorganization and (II) Debtors' Motion for Entry of an Order (A) Authorizing Rejection of Unexpired Lease and (B) Granting Related Relief (Filed By Diebold Holding Company, Inc.).(Related document(s): 223 Amended Chapter 11 Plan) (Peguero, Kristhy) (Entered: 07/10/2023) |
| 230 | 07/10/2023 | Witness List, Exhibit List (Filed By Diebold Holding Company, Inc.).(Related document(s): 87 Order Setting Hearing, 96 Courtroom Minutes) (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6 # 7 Exhibit 7 # 8 Exhibit 8 # 9 Exhibit 9 # 10 Exhibit 10 # 11 Exhibit 11 # 12 Exhibit 12 # 13 Exhibit 13 # 14 Exhibit 14 # 15 Exhibit 15 # 16 Exhibit 16 # 17 Exhibit 17 # 18 Exhibit 18 # 19 Exhibit 19 # 20 Exhibit 20 # 21 Exhibit 21 # 22 Exhibit 22) (Peguero, Kristhy) (Entered: 07/10/2023) |
| 233 | 07/10/2023 | Notice Filing of Fourth Amended Plan Supplement to the First Amended Joint Prepackaged Chapter 11 of Reorganization for Diebold Holding Company, LLC and Its Affiliated Debtors. (Related document(s): 224 Notice) Filed by Diebold Holding Company, Inc. (Peguero, Kristhy) (Entered: 07/10/2023) |
| 234 | 07/11/2023 | Affidavit Re: of Tariful Huq Regarding Notice of Filing of Second Amended Plan Supplement to the Joint Prepackaged Chapter 11 Plan of Reorganization for Diebold Holding Company, LLC and its Affiliated Debtors, and Notice of Hearing on Debtors' Motion to Reject Lease. (related document(s): 219 Notice, 221 Notice). Filed by Kroll Restructuring Administration LLC (Steele, Benjamin) (Entered: 07/11/2023) |
| 235 | 07/11/2023 | Affidavit Re: of James Roy Regarding Debtors First Amended Joint Prepackaged Chapter 11 Plan of Reorganization, and Notice of Filing of Third Amended Plan Supplement to the Joint Prepackaged Chapter 11 Plan of Reorganization for Diebold Holding Company, LLC and Its Affiliated Debtors. (related document(s): 223 Amended Chapter 11 Plan, 224 Notice). Filed by Kroll Restructuring Administration LLC (Steele, Benjamin) (Entered: 07/11/2023) |
| 236 | 07/11/2023 | Witness List, Exhibit List (Filed By Diebold Holding Company, Inc.).(Related document(s): 230 Witness List, Exhibit List) (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6 # 7 Exhibit 7 # 8 Exhibit 8 # 9 Exhibit 9 # 10 Exhibit 10 # 11 Exhibit 11 # 12 Exhibit 12 # 13 Exhibit 13 # 14 Exhibit 14 # 15 Exhibit 15 # 16 Exhibit 16 # 17 Exhibit 17 # 18 Exhibit 18 |

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| | | # 19 Exhibit 19 # 20 Exhibit 20 # 21 Exhibit 21 # 22 Exhibit 22 # 23 Exhibit 23 # 24 Exhibit 24 # 25 Exhibit 25) (Peguero, Kristhy) (Entered: 07/11/2023) |
| 238 | 07/11/2023 | Motion to Appear pro hac vice . Filed by Creditor Jordan Lunda (Briggett, Joseph) (Entered: 07/11/2023) |
| 239 | 07/11/2023 | Motion for Leave to File Objection to Confirmation of Plan Filed by Creditor Jordan Lunda Hearing scheduled for 7/12/2023 at 02:30 PM at Houston, Courtroom 400 (DRJ). (Attachments: # 1 Exhibit Proposed Pleading) (Briggett, Joseph) (Entered: 07/11/2023) |
| 241 | 07/11/2023 | Second Amended Chapter 11 Plan Filed by Diebold Holding Company, Inc.. (Attachments: # 1 Redline)(Cavanaugh, Matthew) (Entered: 07/11/2023) |
| 243 | 07/12/2023 | Amended Agenda for Hearing on 7/12/2023 (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 07/12/2023) |
| 244 | 07/12/2023 | Amended Agenda for Hearing on 7/12/2023 (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 07/12/2023) |
| 246 | 07/12/2023 | Amended Agenda for Hearing on 7/12/2023 (Filed By Diebold Holding Company, Inc.). (Peguero, Kristhy) (Entered: 07/12/2023) |
| 249 | 07/12/2023 | Courtroom Minutes. Time Hearing Held: 2:30 PM. Appearances: SEE ATTACHED. (Related document(s): 246 Agenda) Declarations of CARLIN ADRIANOPOLI submitted at docket nos. 236-1, 236-2, 236-10. Declaration of CARLIN ADRIANOPOLI submitted in Chapter 15 case no. 23-90729 at docket no. 44. Declaration of DERRON S. SLONECKER submitted at docket no. 236-1 and 236-11 admitted. Declarations of JASPER R. BERKENBOSCH and HENK SCHOUTEN submitted in Chapter 15 case no. 23-90729 at docket no. 43-7 and 43-8 admitted. Declaration of CRAIG E. JOHNSON submitted at docket no. 236-9 admitted. Certificates of Service submitted at docket no. 236-4 through 236-8 admitted. Affidavits submitted in Chapter 15 case no. 23-90729 at docket no. 43-10 through 43-13 admitted. Debtors exhibits submitted in Chapter 15 case no. 23-90729 at docket no. 43-1 through 43-6 admitted. Debtors exhibits submitted in Chapter 11 Case at docket no. 236-12, 236-13, 236-17 through 236-25 admitted. For the reasons stated on the record, the Court approved the DIP Motion on a final basis. The proposed final order submitted at docket no. 232 was signed on the record. The Court denied the Motion to Dismiss Case at docket no. 175 for want of prosecution. For the reasons stated on the record approve the disclosure statement on a final basis and confirmed the Debtors' Second Amended Joint Prepackaged Chapter 11 Plan. Parties to submit a revised proposed order. The Court approved the Motion Foreign Representative's filed in Chapter 15 case no. 23-90729 at docket no. 3. The proposed order submitted at docket no. 45 was signed on the record. (VrianaPortillo) (Entered: 07/12/2023) |
| 250 | 07/12/2023 | Order (Related Doc # 239) Signed on 7/12/2023. (VrianaPortillo) (Entered: 07/12/2023) |
| 254 | 07/12/2023 | Order Approving Disclosure Statement and Confirming the Debtors' |

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| | | Second Amended Joint Prepacked Chapter 11 Plan of Reorganization Signed on 7/12/2023 (Related document(s): 241 Amended Chapter 11 Plan) (VrianaPortillo) (Entered: 07/13/2023) |
| | | |

Appellant further designates the Transcript of the hearing before the Court on July 12, 2023, as referenced in R. Doc. 268 & 269.

Dated: August 10, 2023

Respectfully Submitted,

/s/ Joseph P. Briggett
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Certificate of Service

I hereby certify that a copy of the foregoing was served by operation of the Court's CM/ECF system and by depositing a copy of same in the United States mail upon the individuals listed below on August 10, 2023.

/s/ Joseph P. Briggett

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